IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9758 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NARSINHBHAI J PUNCHASARA - Petitioner(s)
Versus
DIST PANCHAYAT & 2 - Respondent(s)

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Appearance :
MR DS VASAVADA for Petitioner(s) : 1,
MR VIPUL MISTRY, ASST. GOVERNMENT PLEADER for Respondent(s) : 1 - 3.
MS NAYANA V PANCHAL for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 05/04/2007

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate direction and/or order directing

the respondents to consider service for the period of 15.01.1961 to 05.01.1973 as continuous service for the purpose of pension.

2. It is required to be noted that this Special Civil Application was ordered to be heard along with Special Civil Application No. 3990 of 1987. It is reported that Special Civil Application No. 3990 of 1987 is disposed of by the learned Single Judge of this Court (Coram : R.K.Abichandani, as he then was) by judgment and order dated 10.03.2000 and has allowed the aforesaid Special Civil Application by directing the concerned respondents to reconsider the application of the petitioner for the purpose of pension and to consider past service for the purpose of considering pension in light of the provisions contained in Note : 4 of Rule 250 of Bombay Civil Services Rules, 1959 and the respondents were directed to take decision in the matter.

3. Accordingly, this petition is also required to be disposed of in line with the directions issued by this Court in the judgment and order dated 10.03.2000 passed by this Court in Special Civil

Application No. 3990 of 1987. Accordingly, the petitioner to make representation to the concerned authorities for the purpose of counting of service period of 15.01.1961 to 05.01.1973 as continuous service for the purpose of pension within a period of 4 (four) weeks from today. As and when such representation is being made, the concerned respondents / authorities are directed to consider the same in accordance with law and in light of the provision contained in Note 4 of Rule 250 of B.C.S.R. within a period of 3 (three) months from the date of receipt of such representation / application.

4. With these, the present Special Civil Application is disposed of. Direct service is permitted.

[M.R.Shah, J.]

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